

Through discovery in the captioned comparative renewal proceeding in 1999, Adams obtained the program logs and other programming-related materials of Station WTVE(TV) for the 1989-1994 license term, and also interviewed current and former employees of the station. Those logs, materials and interviews support Adams's conclusion that, during that license term, Station WTVE(TV) did not broadcast substantial or significant discussion of news or public affairs matters, and particularly locally-oriented news or public affairs matters.

10. With respect to the videotape recordings of WTVE's programming that you commissioned prior to filing your application in this matter:
- (a) Give the dates that the recordings were made;
 - (b) Identify everyone who was involved in and/or responsible for making the recordings and summarize their qualifications therefor;
 - (c) State the itemized costs and expenses therefor;
 - (d) State where the videotaping was done;
 - (e) Identify every communication to which you were a party and which concerned or related to the videotapes and/or the videotaping and for each communication summarize its substance;
 - (f) Identify every document in your possession, custody, or control, which concerns or relates to the videotapes and/or the videotaping.

Answer to Interrogatory No. 10

The date and time on which each videotape was recorded is believed to be inscribed on the label of each tape. Copies of the Reading videotapes, including transcriptions of their respective labels, are being made and will be provided to RBI.

Mr. Gilbert retained Paul Sherwood to supervise the making of the videotapes. Mr. Sherwood's current address is believed to be: 79 Nutt Road, Phoenixville, PA 19460 (phone: 610-917-3339).

Mr. Gilbert does not recall the date on which he retained Mr. Sherwood for this project. Mr. Sherwood's qualifications for this project were that: he was a resident of a community (which Mr. Gilbert believes to have been Chester Springs, Pennsylvania) which Adams understood to be within the service area of Station WTVE(TV); he had a videotape recorder; and he was familiar with the process of videotaping programming from a television. Mr. Gilbert believes that the videotapings were undertaken at Mr. Sherwood's residence in Chester Springs. Mr. Sherwood may have been assisted in the videotaping by other individuals, but Adams is unaware of the identities of any such individuals. The total cost of the videotaping project was approximately \$2,100.

Mr. Gilbert spoke with Mr. Sherwood a number of times before and during the course of the taping. In those conversations Mr. Gilbert advised Mr. Sherwood of the nature of the videotaping project and made arrangements for the prompt delivery, to Mr. Gilbert, of the videotapes as they were recorded. Once the videotaping had begun, Mr. Gilbert spoke with Mr. Sherwood regularly to obtain briefings concerning the contents of the programming being taped; Mr. Gilbert understood that Mr. Sherwood was monitoring the programming being taped on an on-going basis, and Mr. Gilbert regularly sought from Mr. Sherwood summaries of that programming. Mr. Gilbert may also have spoken with Mr. Cole about the videotaping. Mr. Gilbert does not recall the dates of any of his conversations with Mr. Sherwood or Mr. Cole concerning these matters.

The only documents responsive to this Interrogatory consist of the tapes themselves, copies of checks sent to Mr. Sherwood in payment for his services, and related correspondence.

11. Describe with particularity your review of the videotapes, including the manner of the review, the equipment used for the review, and the number of hours and identification on the tapes of programming reviewed.

Answer to Interrogatory No. 11

The videotapes recorded by Mr. Sherwood were sent, generally by overnight delivery (as far as Mr. Gilbert can recall), to Mr. Gilbert. Adams has a total of 66 individual videotape cassettes, each containing approximately six hours of taped programming. Mr. Gilbert does not recall the precise dates on which he received the tapes, but he believes that he did review most of the tapes prior to the filing of the Adams application. Mr. Gilbert reviewed the tapes using a standard videotape recorder. He recalls that his review generally occurred within approximately one day of his receipt of each group of tapes.

Mr. Gilbert's review consisted of a "real-time" review of 100% of the first several tapes, consisting of approximately 24-36 hours of programming. After that, he utilized the "fast forward" function which permitted him to see the video portion of the programming on the remaining tapes while advancing the tape quickly. In that way, Mr. Gilbert was able to determine when the programming shifted from "home shopping" programming to any other type of programming. Each time such a shift occurred, Mr. Gilbert stopped the tape, backed it up to a point several

minutes prior to the shift, and then reviewed the tape in "real-time" until the programming returned to "home shopping". At that point, Mr. Gilbert used the "fast forward" function again until he located the next shift in programming from "home shopping".

12. With respect to your review of the videotape recordings of WTVE's programming described in response to the foregoing Interrogatory:
- (a) Give the dates of the review;
 - (b) Identify everyone who was involved therein and/or responsible therefor and summarize their qualifications therefor;
 - (c) State the itemized costs and expenses therefor;
 - (d) Identify every communication to which you were a party and which concerned or related to the review of the videotapes and for each communication summarize its substance;
 - (e) Identify every document in your possession, custody, or control, which concerns or relates to the review of the videotapes.

Answer to Interrogatory No. 12

See Answer to Interrogatory No. 11.

13. Describe with particularity everything you did to compare the videotapes you were provided against WTVE's actual programming.

Answer to Interrogatory No. 13

Since Mr. Gilbert believed that the videotapes in fact contained recordings of the programming of Station WTVE(TV), Mr. Gilbert made no effort to compare those tapes with any other materials. The tapes were sent to Mr. Cole in 1999. Following receipt by Adams of copies of the program logs of Station WTVE(TV), in August, 1999 Mr. Cole sought to compare the contents of one or more of the tapes with the station's program log for the corresponding date(s). The primary purpose of that

comparison was to provide insight into the meaning of various entries on the logs, since Mr. Cole also believed at that time that the tapes were recordings of the station's programming.

14. With respect to each and every undertaking described in response to the foregoing Interrogatory:
- (a) Give the date of the undertaking;
 - (b) Identify everyone who was involved therein and/or responsible therefor and summarize their qualifications therefor;
 - (c) State the itemized costs and expenses;
 - (d) Identify every communication to which you were a party and which concerned or related to one or more of these undertakings and for each communication summarize its substance;
 - (e) Identify every document in your possession, custody, or control, which concerns or relates to one or more of these undertakings.

Answer to Interrogatory No. 14

See Answer to Interrogatory No. 13.

15. State how you became aware that the videotapes which purported to be of WTVE's programming were not recordings of WTVE's programming.

Answer to Interrogatory No. 15

As described in the Answer to Interrogatory No. 13, in August, 1999, Mr. Cole reviewed one or more tapes and the program log for the corresponding date(s). That review revealed discrepancies between the tapes and the log. On or about September 1, 1999, Mr. Cole advised Mr. Gilbert of this, and together they contacted Mr. Sherwood to determine whether Mr. Sherwood could confirm that the tapes in fact consisted of the programming of Station WTVE(TV). Mr. Sherwood advised Messrs. Gilbert and Cole that the television receiver with which

the taping was done was attached to a cable television service. Although he was not certain of the identity of the cable television service provider, Mr. Sherwood said that he thought it was Suburban Cable. Mr. Sherwood further advised that he understood that his job was to tape "home shopping" or "home shopping club" programming, and that he had done so. Mr. Sherwood could not confirm that the programming which he had taped was in fact programming broadcast by Station WTVE(TV).

16. State with particularity every fact upon which you rely for, or which you contend supports, your conclusion that the programming recorded on the videotapes which you were provided was substantially the same as WTVE's actual programming.

Answer to Interrogatory No. 16

The programming on the videotapes is programming from the "Home Shopping Club", and features the "home shopping" format with which Mr. Gilbert was familiar, i.e., essentially non-stop attempts to sell merchandise to the audience, interrupted approximately twice per hour by short (approximately four minutes or less) breaks consisting of spot commercial announcements and "public service announcements". The program logs and other programming-related materials obtained by Adams from RBI during discovery in this proceeding support the conclusion that the programming on the tapes is substantially the same as the station's programming, i.e., essentially non-stop sales pitches interspersed twice per hour with brief (four minutes or less) breaks consisting of spot commercial announcements and "public service announcements".

17. Describe with particularity everything you did prior to filing your application in this matter to determine the public interest value of "home shopping" programming.

Answer to Interrogatory No. 17

With the assistance of B&C, in July, 1993 Mr. Gilbert obtained and reviewed copies of: (a) the public notice concerning the Commission's July, 1993 decision including, in particular, a preliminary version of the dissent of then-Commissioner Duggan with respect to the "must-carry" status of television stations broadcasting "home shopping" programming, and (b) the full text of that decision including another version of Commissioner Duggan's dissent. In addition, in August-October, 1993, also with the assistance of B&C, Mr. Gilbert obtained and reviewed copies of: Comments and Reply Comments filed with the Commission in MM Docket No. 93-8 by Media Access Project ("MAP") on behalf of the Center for the Study of Commercialism ("CSC"); the Petition for Reconsideration filed by MAP on behalf of CSC in that same proceeding; and a notice of inquiry (FCC 93-459) issued by the Commission in MM Docket No. 93-254 concerning commercial practices of television stations. Further, Messrs. Gilbert, Haag and Fickinger monitored "home shopping" programming in Chicago and in various other markets, and Mr. Gilbert had undertaken numerous interviews in Reading and the Reading area seeking to determine the extent to which Station WTVE(TV) (which was broadcasting "home shopping" programming at the time) served the local public interest.

18. With respect to each and every undertaking described in response to the foregoing Interrogatory:
- (a) Give the date of the undertaking;
 - (b) Identify everyone who was involved therein and/or responsible therefor and summarize their qualifications therefor;
 - (c) State the itemized costs and expenses;
 - (d) Identify every communication to which you were a party and which concerned or related to one or more of these undertakings and for each communication summarize its substance;
 - (e) Identify every document in your possession, custody, or control, which concerns or relates to one or more of these undertakings.

Answer to Interrogatory No. 18

A copy of the public notice describing the Commission's decision concerning the must-carry status of "home shopping" television stations was sent to Mr. Gilbert by Mr. Cole by letter dated July 16, 1993. A copy of the full text of that decision was sent to Mr. Gilbert by Mr. Cole by letter dated July 21, 1993. Copies of the MAP/CSC Comments and Reply Comments in MM Docket No. 93-8 were sent to Mr. Gilbert by Mr. Cole by letter dated August 31, 1993. A copy of the MAP/CSC Petition for Reconsideration in MM Docket No. 93-8 was sent to Mr. Gilbert by Mr. Cole by letter dated September 1, 1993. A copy of the Commission's Notice of Inquiry in MM Docket No. 93-254 (FCC 93-459) was sent to Mr. Gilbert by Mr. Cole by facsimile on October 15, 1993. Mr. Gilbert does not recall, and has no records concerning, the costs or expenses associated with these undertakings. Messrs. Gilbert, Haag, Fickinger, Umans and/or Steinfeld may have discussed matters relating to "home shopping" programming and their respective observations concerning such programming, but they do not recall any specific details of such

conversations. Mr. Gilbert also recalls speaking with Andrew Schwartzman, of MAP, concerning "home shopping" programming, but Mr. Gilbert does not recall the date(s) or the specific content of such conversation(s).

19. State precisely why you believe that "home shopping" programming is not in the public interest.

Answer to Interrogatory No. 19

Adams believes that television licensees, as public trustees, have an obligation to provide programming which addresses locally-oriented news, public affairs and other such matters. Mr. Gilbert has firmly held this belief for at least 50 years -- in 1950, he authored a law review article ("Newspaper-Radio Joint Ownership: Unblest Be The Tie That Binds", 59 Yale L.J. 1342 (1950) in which he described the ideal of the widest possible dissemination of information from diverse and antagonistic sources, and noted in particular the need for such sources at the local level, to address peculiarly local problems and issues. As owners of several radio stations during the 1970's and early 1980's, Mr. Gilbert and several other Adams principals experienced first-hand this role of public trustee and provided extensive public interest programming at each station. As principals of an applicant for a television construction permit in Chicago from 1982-1993, Mr. Gilbert and other Adams principals successfully advanced this position before the Commission and the U.S. Court of Appeals for the District of Columbia Circuit.

"Home shopping" programming is, in Adams's view, devoid of any of the traditional "public interest" components: it provides no discussion of news, public affairs or other issues, local or otherwise, and instead uses the spectrum to air almost non-stop advertisements for various goods. Whether this programming is deemed purely commercial in nature, or some form of "entertainment", such programming cannot be said to serve the purpose of informing the public of matters, and particularly local matters, of importance to them and their community. It also cannot be said to contribute to robust, antagonistic, public debate which is a fundamental element of our democratic system.

20. Describe with particularity everything that you have done to challenge, contest, oppose, or otherwise object to "home shopping" programming.

Answer to Interrogatory No. 20

Adams prepared and submitted its application for Channel 51 in Reading, Pennsylvania.

21. With respect to each and every undertaking described in response to the foregoing Interrogatory:
- (a) Give the date of the undertaking;
 - (b) Identify everyone who was involved therein and/or responsible therefor and summarize their qualifications therefor;
 - (c) State the itemized costs and expenses;
 - (d) Identify every communication to which you were a party and which concerned or related to one or more of these undertakings and for each communication summarize its substance;
 - (e) Identify every document in your possession, custody, or control, which concerns or relates to one or more of these undertakings.

Answer to Interrogatory No. 21

See the Answers to Interrogatory Nos. 22 and 23.

22. Describe with particularity everything you did prior to filing your application in this matter to prepare your application (including, but not limited to, efforts to locate sources of potential programming, financing, studio sites and transmitter sites) for the Reading, Pennsylvania construction permit.

Answer to Interrogatory No. 22

Adams objects to this Interrogatory. The Interrogatory is beyond the scope of the issues in this proceeding.

23. With respect to each and every undertaking described in response to the foregoing Interrogatory:
- (a) Give the date of the undertaking;
 - (b) Identify everyone who was involved therein and/or responsible therefor and summarize their qualifications therefor;
 - (c) State the itemized costs and expenses;
 - (d) Identify every communication to which you were a party and which concerned or related to one or more of these undertakings and for each communication summarize its substance;
 - (e) Identify every document in your possession, custody, or control, which concerns or relates to one or more of these undertakings.

Answer to Interrogatory No. 23

Adams objects to this Interrogatory. The Interrogatory is beyond the scope of the issues in this proceeding.

24. Describe with particularity everything you did prior filing your application in this matter to analyze the potential income and expenses of the potential television station in Reading, Pennsylvania, the market value of WTVE and/or the market value of the potential television station or construction permit in Reading, Pennsylvania.

Answer to Interrogatory No. 24

Prior to filing its application, Adams undertook no detailed

effort to analyze the potential income and expenses of any potential television station in Reading, the market value of Station WTVE(TV) or the market value of an potential television station or construction permit in Reading. Messrs. Gilbert, Haag, Fickinger and Steinfeld may have consulted, and discussed among themselves, commercial information available to them concerning the Reading market generally, but they do not recall the nature of such information or the date(s) or substance of such discussions.

25. With respect to each and every undertaking described in response to the foregoing Interrogatory:
- (a) Give the date of the undertaking;
 - (b) Identify everyone who was involved therein and/or responsible therefor and summarize their qualifications therefor;
 - (c) State the itemized costs and expenses;
 - (d) Identify every communication to which you were a party and which concerned or related to one or more of these undertakings and for each communication summarize its substance;
 - (e) Identify every document in your possession, custody, or control, which concerns or relates to one or more of these undertakings.

Answer to Interrogatory No. 25

See Answer to Interrogatory No. 24.

26. When did you decide to file your construction permit application for Channel 51, Reading, Pennsylvania?

Answer to Interrogatory No. 26

Mr. Gilbert does not recall the precise date on which Adams decided to proceed with the preparation of its application, but the final decision to proceed with the filing was not made until Mr. Gilbert had reviewed, in June, 1994, tapes of programming

which he believed to be programming broadcast by Station WTVE(TV).

27. With respect to such decision in the foregoing Interrogatory:
- (a) Identify every communication to which you were a party and which concerned such decision and for each communication summarize its substance;
 - (b) Identify every document in your possession, custody, or control which concerns, relates to or memorializes such decision.

Answer to Interrogatory No. 27

The decision to file the Adams application was the subject of conversations among all of the following: Messrs. Gilbert, Haag, Fickinger, Umans and Steinfeld. The date(s) of such conversations cannot be recalled. Adams has located no documents which reflect that decision or those conversations.

28. Describe with particularity all communications with other parties after filing your application in this matter concerning a potential settlement of the matter or the value or potential value of WTVE of the proposed television station or construction permit in Reading, Pennsylvania.

Answer to Interrogatory No. 28

In late April, 1998, during a telephone conversation including Mr. Cole, Mr. Parker and Mr. Parker's then-counsel, Howard Topel, Mr. Parker asked Mr. Cole whether Adams would be interested in settling the Reading proceeding. To the best of Mr. Cole's recollection, Mr. Cole advised Mr. Parker that Mr. Parker should present any such question directly to Mr. Gilbert. Mr. Gilbert received one telephone call from Micheal Parker, an RBI principal, in which Mr. Parker offered

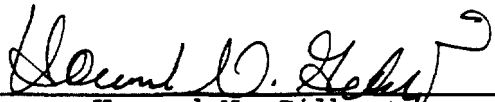
Adams a payment of \$250,000 in return for the dismissal of the Adams application. Mr. Gilbert summarily rejected that offer. Mr. Gilbert does not recall the date of the conversation, but does recall that it lasted less than five minutes.

In approximately May, 1999, Adams was approached by Anne Swanson, a communications attorney. To the best of Adams's recollection, Ms. Swanson indicated that she had a client who might be interested in participating in a buy-out, or "white knight", settlement of the Reading proceeding. She also indicated that her client was interested in obtaining an appraisal of Station WTVE(TV), and that her client was willing to share that appraisal with RBI and Adams if they were willing to share in the costs of the appraisal on a pro rata basis. Mr. Gilbert, on behalf of Adams, agreed to pay for one-third the cost of the appraisal. A copy of the appraisal was provided to Mr. Cole by Ms. Swanson by letter dated June 3, 1999. Mr. Gilbert did not view the cost-sharing arrangement for the appraisal as relating to any "potential settlement" as far as Adams was concerned; rather, he was curious about the potential value of a television station in Reading, and the cost to Adams of the appraisal, i.e., approximately \$3,000, or one-third the total cost of the appraisal, was sufficiently low as to justify satisfying that curiosity. To the best of Mr. Gilbert's recollection there were no communications between Ms. Swanson and Adams concerning any potential settlement following Adams's receipt of the appraisal.

In late June, 1999, Mr. Cole received a telephone call from

Robert McAllan, a principal of Press Communications, LLC, concerning a conversation which Mr. McAllan had apparently had with an unidentified third-party relative to some possible settlement of the Reading matter. To the best of Mr. Cole's recollection, Mr. Cole advised Mr. McAllan that any communications relating to the Adams application should be addressed directly to Mr. Gilbert. Mr. Gilbert does not recall receiving any communications from Mr. McAllan concerning any potential settlement of the Reading proceeding.

I hereby affirm, under penalty of perjury, that the foregoing Answers are true and correct to the best of my knowledge.


Howard N. Gilbert

Date: April 18, 2000

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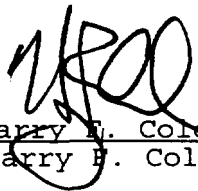
CERTIFICATE OF SERVICE

I hereby certify that, on this 19th day of April, 2000, I caused copies of the foregoing "Answers and Objections of Adams Communications Corporation to Reading Broadcasting, Inc.'s First Interrogatories" to be hand delivered (as indicated below), addressed to the following:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
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Washington, DC 20554
(BY HAND)

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/s/ Harry F. Cole
Harry F. Cole